

FISH and WILDLIFE COMMISSION AGENDA ITEM COVER SHEET

Meeting Date: January 14, 2016

Agenda Item: ARM Amendments Regarding Removal of Ice Shelters on Lake Helena and Hauser Lake

Division: Fisheries

Action Needed: Final

Time Needed on Agenda for this Presentation: 5 minutes

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Background

The sunrise-sunset requirement for ice shelter removal on Hauser Lake and Lake Helena was put in place when kokanee salmon were abundant and it was a common practice to set up shelters and leave them for long periods of time which blocked access for others. Kokanee abundance is now less, the concern about blocked access is less, so the requirement is no longer necessary. To implement this proposal ARM 12.6.106 needed to be amended as recommended here. The process to amend this ARM was initiated with Commission approval at the October 10, 2015 meeting. FWP recommended amending 12.6.106(1)(vi) to state Helena Valley Regulating (rather than Equalizing) Reservoirs, for clarity, and eliminating 12.6.106(1)((b) entirely. This proposal was subsequently advertised for public comment.

12.6.106 REMOVAL OF SHELTER

(1)(a)(i-v) *Remains the same.*

(vi) Helena Valley ~~Equalizing~~Regulating Reservoir.

~~(b) Users of fishing shelters on the following waters may not set said shelters on the ice until after sunrise and must remove said shelters in their entirety from the ice and from the area before sunset each day. This includes removal from all adjacent private and public property unless special permission is granted.~~

~~(i) Hauser Lake~~

~~(ii) Lake Helena.~~

(2) *Remains the same.*

Public Involvement Process & Results

Notice of the proposed changes was posted on the FWP website, press releases were published in local newspapers, and the Proposal Notice was distributed to FWP's Interested Persons lists. Public comment was solicited through November 27, 2015. No comments were received.

Alternatives and Analysis

The Commission could choose not to approve the ARM amendments, in which case the Sunrise-Sunset shelter removal requirement on Hauser Reservoir and Lake Helena would remain as currently written. This result would be inconsistent with the 2016 Montana Fishing Regulations approved by the Commission on December 10, 2015. Alternatively, the Commission can approve the proposed amendments, establishing consistency between the ARM and the 2016 Montana Fishing Regulations.

Agency Recommendation & Rationale

FWP recommends that the Commission approve the proposed amendments to remove the sunrise-sunset requirement for shelters on Hauser Lake and Lake Helena, and to change the ARM language as proposed for better clarity.

Proposed Motion

I move that the Commission amend ARM 12.6.106 Removal of Shelter as proposed.